

Members:

Rep. Sheila Klinker, Chair
Rep. Robert Alderman
Sen. Marvin Riegsecker
Sen. Rose Ann Antich



Lay Members

Sylvia Brantley
Christopher Durcholz
Suda Hopkins
Sally Lowery
Dr. Joanne Rains
Thomas VanMeter
Betty Williams

LSA Staff:

Ron Sobecki, Fiscal Analyst for the Committee
Carrie Cloud, Attorney for the Committee

Authority: P.L. 245-1997

INDIANA COMMISSION ON MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES

**Legislative Services Agency
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MEETING MINUTES

Meeting Date: September 21, 1998
Meeting Time: 10:30 A.M.
Meeting Place: State House, 200 W. Washington St., House Chambers
Meeting City: Indianapolis, Indiana
Meeting Number: 4

Members Present: Rep. Sheila Klinker, Chair; Sen. Marvin Riegsecker; Sylvia Brantley; Thomas VanMeter; Sally Lowery; Suda Hopkins; Dr. Joanne Rains; Betty Williams; Christopher Durcholtz.

Members Absent: Rep. Robert Alderman; Sen. Rose Ann Antich.

LSA Staff Present: Ron Sobecki, Fiscal Analyst; Carrie Cloud, Staff Attorney.

Representative Klinker called the meeting to order and stated this meeting would cover proposed legislation.

Proposed Legislation- PD 3284

Carrie Cloud, Staff Attorney, Legislative Services Agency, discussed with the Commission Preliminary Draft (PD) 3284. She stated that PD 3284¹ is essentially the same as PD 3115 approved by the Commission at the last meeting. The major difference is that appropriations have been added to the draft.

The Commission discussed the appropriations and the problem of asking for an increase in funding for MRDD services in light of current Budget Agency instructions which request state agencies to cut 5% from existing budgets in the next biennium budget request.

Mr. Costa Miller, Executive Director, Indiana Association of Rehabilitative Facilities (INARF), stated that not all of the additional funding will be new money. He said that it was his understanding that the FSSA has reconfigured the rates for Medicaid and has saved the state approximately \$7 million. Mr. Miller

¹ A Copy of PD 3284 is on file in the Legislative Information Center, Room 230, Statehouse, Indianapolis, Indiana. The telephone number of the Legislative Information Center is (317) 232-9856 and the mailing address is 200 W. Washington St. Suite 301, Indianapolis, Indiana 46204-2789.

explained that this \$7 million could be used by the FSSA to help fund the additional appropriation being requested in PD 3284.

Mr. John Dickerson, Executive Director, Association of Retarded Citizens (ARC of Indiana), presented information to the Commission concerning litigation in the state of Florida.² He stated that Florida is being sued by individuals on the waiting lists for services. Mr. Dickerson explained that the court has ruled that eligible people who request MRDD services must be given the service within 90 days and that an inadequate state appropriation is not an excuse for not providing services. He testified that the passage of PD 3284, which will reduce the number of individuals on the waiting list in Indiana, would not guarantee that Indiana would not be sued in the future. He said PD 3284 is a step in the right direction in beginning to remove individuals from the waiting list for services.

Ms. Debra Simmons Wilson, Director, Division of Disability, Aging, and Rehabilitative Services (DDARS), informed the Commission that the Federal Department of Justice will begin investigating both the Muscatatuck and Ft. Wayne Developmental Centers in October. She stated that the investigation will be similar to inspections by the State Department of Health.

The Commission approved PD 3284 by a 9 to 0 vote.

Proposed Legislation- PD 3224

Rep. Klinker described PD 3224 and stated that the purpose of this draft legislation is to appropriate \$2 million to the Emergency Services Fund. She stated that this Fund is used to provide funding for services for individuals or families that have a crisis situation.

Ms. Lauren Polite, Legislative Liaison, Family and Social Services Administration, stated that the FSSA is trying to consolidate the various funding sources for MRDD services to give DDARS flexibility in funding necessary services. She said this PD would continue current practice of having a separate source of funding for a specific service.

Ms. Debra Simmons Wilson explained that funding emergency services is becoming a problem. She stated emergency funding requests are no longer just for temporary help, but often are a long-term commitment of service provision. She suggested adding the \$2 million appropriation for emergency services to PD 3284.

Mr. Costa Miller stated that he would be concerned about adding the \$2 million to PD 3284. He suggested keeping both drafts separate so that if one proposal fails the other proposal is still alive.

The Commission approved PD 3228 by a vote of 9 to 0.

Other Public Testimony

Ms. Kelly Schneider, an Evansville service provider, explained to the Commission her concern about the difficulty of moving an individual from one service provider to another service provider. She said her agency had an individual in a group home who was a danger to others in the group home. She stated that the lack of services in the community made it difficult to move this individual out of the group home and into another placement.

Cordelia Lewis, Director for Politics and Legislation, AFSCME Council 62, stated that there is a shortage of employees at state developmental centers. She said some employees are being required to work overtime, sometimes working 70 to 80 hours per week.

Representative Summers asked if there were plans to close Muscatatuck Developmental Center. Debra Simmons Wilson replied that there are no plans to close any additional developmental centers. She

² A copy of this information is on file in the Legislative Information Center (see footnote 1).

stated that some serious physical improvements are needed at both the Muscatatuck and Ft. Wayne Developmental Centers.

Ms. Karen Vaughn testified to the Committee about the difficulty her intern, Kim Lovell, is having in receiving a Medicaid waiver. She stated that there are some inconsistencies in the decision making process as to which individual receives a Medicaid waiver.

Mr. John Dickerson presented information to the Commission regarding the outreach program informing the public about the 317 Task Force plan.³

Representative Klinker announced the next meeting would be held in November after the Justice Department visits the Muscatatuck and Ft. Wayne Developmental Centers.

There being no further business, Rep. Klinker adjourned the meeting.

³ A copy of this information is on file with the Legislative Information Center (see footnote 1).